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June 11, 2024

VIA ECF

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**MEMO ENDORSED**

Hon. Katherine Polk Failla, United States District Judge  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Massachusetts Mutual Life Insurance Company v. Broadway 340 Madison Fee LLC., et al., Case No. 1:24-cv-03865 (KPF)(RFT)

Dear Judge Failla:

We write on behalf of Plaintiff pursuant to Rule 9 of the Court’s Individual Practices in Civil Cases to request leave to file certain documents under seal that are being offered in support of Plaintiff’s Reply to Broadway 340 Madison Fee LLC’s (“Borrower”) Opposition to Plaintiff’s Motion to Appoint a Receiver and for a Preliminary Injunction (the “Motion”).

We made an effort to draft the Reply to exclude confidential materials. One Exhibit to the Declaration of Danielle D’Ambrosio (the “D’Ambrosio Declaration”) in support of the Motion, however, contains certain confidential information related to the subject property.

Specifically, Exhibit 2 to the D’Ambrosio Declaration is a February 28, 2024 email from Borrower that contains three attachments. We have omitted two attachments that are unnecessary to resolve the Motion, but one attachment and the email itself are submitted under seal and omitted from the publicly filed copy of the Exhibit. Plaintiff requests approval for filing this document under seal.

There is ample authority for such material to be sealed *E.g., In re B & C KB Holding GmbH*, 22-mc-180, 2023 WL 2021299, at \*1 (S.D.N.Y. Feb. 14, 2023) (“courts in this District routinely permit parties to seal or redact commercially sensitive information in order to protect confidential business and financial information”); *see also Valassis Commc’ns, Inc. v. News Corp.*, 17-cv-7378, 2020 WL 2190708, at \*3 (S.D.N.Y. May 5, 2020) (granting plaintiff’s motion to seal and holding that plaintiff’s “interest in protecting the sensitive business information of its active business units, such as the financial metrics of [a business] division, outweighs the public’s presumed right of access at this stage of the litigation. . . . [Plaintiff]’s proposed redactions covering this information are narrowly tailored to protect these specific financial metrics”). Thus, it is appropriate for the Court to grant this letter motion, which is narrowly tailored to seal the confidential information contained in just one Declaration Exhibit.

**SheppardMullin**

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We thank the Court for its consideration.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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Application GRANTED. The Clerk of Court is directed to maintain docket entry 39 under seal, viewable to the Court and the parties only.

The Clerk of Court is further directed to terminate the pending motion at docket entry 37.

Dated: June 12, 2024 SO ORDERED.  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE